

# **Regional Water Availability Rule Development Update**

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***Water Resources Advisory Commission***  
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# Proposed Rule Concepts

- Limits increased consumptive use demands from the Everglades over existing levels
- Encourages the development of alternative water supplies, stormwater & Biscayne Aquifer where and when Everglades recharge not required

# Proposed Rule Concepts

- **Affected areas: Miami-Dade, Broward and Palm Beach Counties**
  - **Surface water deliveries made via the C&SF Project for water supply purposes through the Everglades**
  - **Groundwater seepage from the Everglades or from C&SF project canals during water supply operations**

# Proposed Rule Concepts

- Authorize continuance of “actual existing water use” of Everglades system water
  - Existing actual water use as of April 2006
- New or increased use of regional system water
  - Authorize on temporary basis while alternative supplies are developed
    - Condition permits with specific schedule & milestones
  - Authorize when new regional system water is certified as available
  - Authorize use during wet conditions when water not needed for Everglades restoration

# Ongoing Rule Development

- April 2006 Governing Board initiated rule development
- July 13 Rule development workshop in Miami
- July 14 Rule development workshop in West Palm Beach

# Stakeholder Comments

- What level of water use should be continued from the Everglades system?
  - Level of use in existence on common date, e.g., April 2006 when Governing Board gave direction on rulemaking
    - Stakeholders: Inconsistent with existing District policies for protection of existing legal uses
  - Permitted allocation
    - Stakeholders: Previously permitted allocation is protected upon renewal
  - Level of use at permit expiration
- Staff Recommendation: Retain April 2006 date

# Stakeholder Comments

- How does this rule effect already issued long term permits?
  - Since 2003, 20-year permits issued for historic demands on Everglades with increased demands from Everglades limited to five years only
  - Proposed rule does not trigger review of existing Everglades demand **except** upon permit renewal

# Stakeholder Comments

- How are new uses considered under rule?
  - Clarify new or modified uses cannot increase demands on Everglades above historic levels
  - Clarify such applicants can compete for water
- How long will temporary increased withdrawals from Everglades be authorized before alternative source is online?
  - Add factors used to identify reasonable timeframes for alternative source development

# Stakeholder Comments

- Elaborate on process for identifying “existing actual water use” for all use classes
  - Add description identifying comparison of specific model runs of historic vs. proposed use
- 12 months prior to April 2006 not representative of “normal year” – hurricanes, etc.
  - Add factors to consider in determining actual use during 12 months prior to April 2006, including climate, crop disease

# Stakeholder Comments

- Should the rule address potential Everglades system impacts in Northern Palm Beach County?
  - Dupuis Preserve
  - Grassywaters Preserve
  - Loxahatchee Slough and River
  - Water Catchment Area
  - M Canal
  - L-8 Canal

# Stakeholder Comments

- How to determine what wet season discharges from Lower East Coast Canals are not to be captured for Everglades restoration?
  - Add rule language identifying specific procedures

# Next Steps

- Next rule draft posted in third week of September
- Rule workshops in first week of October
- November request to initiate rulemaking